

United States District Court

SEP 19 2014

SOUTHERN

DISTRICT OF  
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA  
V.

CRIMINAL COMPLAINT

Bertha Cristina Gonzalez-Gonzalez  
A202 085 016 YOB: 1987  
Gustavo Rosales-Hernandez  
A205 476 151 YOB: 1990

Principle  
Mexico  
Co Principle  
Mexico

Case Number:  
M-14-1838-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 17, 2014 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that , Carlos Lopez-Saenz, Cesar Espinoza-Zeferino, and Victor Noyola-Cisneros, citizens and nationals of Mexico, and eight (8) other undocumented aliens for a total of eleven (11), who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Mercedes, Texas to the point of arrest near Weslaco, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii)

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On September 12, 2014, FIST Agents conducted surveillance at the Burger King Restaurant on South 10th St. in McAllen, Texas. There, they observed a red mustang arrive, driven by a female, later identified as Bertha Cristina GONZALEZ-Gonzalez. GONZALEZ parked her vehicle, removed a young child and his car seat from the rear passenger area of the vehicle, and moved him to the front seat of the vehicle. Another vehicle arrived, and parked near GONZALEZ. GONZALEZ then directed two people from inside the second vehicle to come and enter her red Mustang, and sit in the place where the young child was previously. The two subjects did as they were told. As the people moved toward the Mustang, agents noticed the two people's clothing appeared tattered and dirty.

SEE ATTACHED:

Continued on the attached sheet and made a part of this complaint:

Approved to f.c.  
[Signature]  
9.19.14

Sworn to before me and subscribed in my presence,

September 19, 2014  
Date

Peter E. Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

☒ Yes ☐ No

[Signature]  
Signature of Complainant  
Frediberto Hernandez Senior Patrol Agent  
Printed Name of Complainant

at McAllen, Texas  
City and State  
[Signature]  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-14-1838-M**

**RE:        Bertha Cristina Gonzalez-Gonzalez        A202 085 016  
             Gustavo Rosales-Hernandez                A205 476 151**

**CONTINUATION:**

After the two subjects boarded the red Mustang, GONZALEZ departed the Burger King. Agents followed GONZALEZ as she drove east on Expressway 83. Agents followed GONZALEZ to 3910 Aggassi Dr. in Weslaco, Texas. At 3910 Aggassi Dr., GONZALEZ, the small child, and the two unnamed individual from the back seat entered the house.

On September 17, 2014, agents were again conducting surveillance on 3910 Aggassi Dr. and observed a Jeep Cherokee arrive, and saw GONZALEZ and a man identified as Gustavo ROSALES-Hernandez exit the vehicle. Ten minutes later both GONZALEZ, ROSALES, and two additional subjects exited the house and boarded the Cherokee. The Cherokee departed 3910 Aggassi Dr. and travelled to another residence on Cavazos Ln. in Mercedes, Texas. After 15 minutes, the vehicle then returned to Aggassi Dr. and GONZALEZ and ROSALES were the only ones to exit the vehicle and enter the house.

Later in the day, agents observed GONZALEZ exit the house on Aggassi Dr., and open the rear door of the Cherokee and direct three subjects to enter. ROSALES then boarded the Cherokee and drove to the trailer on Cavazos Ln. There, he dropped the three subjects off, and picked up three different people. After departing Cavazos Ln., an Hidalgo County Constables Officer stopped the Cherokee for a defective tail light. Agents arrived at the scene and found ROSALES, an undocumented alien, and three additional undocumented aliens in the passenger seats of the Cherokee. ROSALES gave agents consent to search the residence at 3910 Aggassi Dr. in Weslaco. All four of the people in the Cherokee were arrested and transported to the station for processing.

Agents did not immediately search the residence. Instead, they continued surveillance, and observed GONZALEZ leave the residence with two other people. The Constable's Office conducted a vehicle stop on the Nissan Rogue GONZALEZ was in. The two other people inside the Rogue were found to be unrelated to the case being investigated, and were released. GONZALEZ was arrested and read her rights. She also granted permission to search the residence at 3910 Aggassi Dr.

Agents returned to 3910 Aggassi Dr. and found one person inside who freely admitted to agents he was illegally in the United States. That subject was transported the station for processing. Agents then conducted a knock and talk at the trailer on Cavazos Ln. One subject opened the door and provide consent to search the trailer. Agents found 7 undocumented aliens inside the trailer. All were transported to the station for processing.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

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**CONTINUATION:**

**NOTE:** The trailer had no running water. It did have electricity haphazardly run from an adjacent trailer. There was no furniture other than one mattress on the floor. The trailer had a strong smell coming from the bathroom. The aliens were utilizing a barrel filled with water to bathe and to flush the toilet.

**PRINCIPAL STATEMENTS:**

Both Bertha Cristina GONZALEZ-Gonzalez and Gustavo ROSALES-Hernandez were read their rights. Both stated they were willing to provide statements without the presence of an attorney.

1- GONZALEZ stated her boyfriend (ROSALES), recruited her to help him smuggle illegal aliens. She told agents she was aware the two people she picked up at the Burger King were illegal. GONZALEZ told agents ROSALES provided two men her cell phone number in order to have her perform certain smuggling duties. GONZALEZ did not wish to continue providing a statement and all questioning stopped.

2- ROSALES stated he has been involved in aliens smuggling for approximately three weeks. The man who ROSALES made smuggling arrangements with, recruited ROSALES due to the fact he spoke English. The smuggler he knows as El Odilon, offered to pay ROSALES \$100 per illegal aliens ROSALES would transport to the trailer on Cavazos St. ROSALES stated he has transported people to that trailer twice, to include three Chinese that were apprehended on this occasion. According to ROSALES, he would pick up illegal aliens at the Walmart in Weslaco, Texas and transport them to the trailer house on Cavazos St. ROSALES also added, El Odilon has already paid him \$300, but still owed him an additional \$300 for smuggling the three undocumented Chinese. ROSALES stated he has never delivered food to the illegal aliens, and was unaware of how they were being fed.

**MATERIAL WITNESS STATEMENTS:**

All material witnesses were read their rights. All stated they were willing to provide statements without the presence of an attorney.

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**CONTINUATION:**

1- Carlos Lopez Saenz stated he illegally crossed the Rio Grande River. He was charged \$3,500 (USD) to be smuggled to Houston, Texas. After crossing the river, he waited at a store to be picked up but was not picked up. He called the smuggler that he was dealing with, and that smuggler sent a man who picked him up and transported him to McAllen. There, Lopez boarded a truck that took him to a house where ROSALES, and his girlfriend, GONZALEZ were. ROSALES then transported him and two others to a small trailer. Lopez was moved back and forth one more time, from the trailer to the house and back, because ROSALES said he need to make room for other illegal aliens. Lopez also witnessed ROSALES dropping off three Chinese and large amounts of food at the same trailer. Lopez was in the process of being returned to the house when the police stopped the vehicle ROSALES was driving. Lopez identified ROSALES in a photo lineup as the man driving between residences and the one who dropped off large amounts of food at the trailer.

2- Cesar Espinoza-Zeferino stated he was charged \$1,200 (USD) to be smuggled into the United States. After illegally crossing the Rio Grande River, he was told to board a white pickup truck. The man driving that pickup transported him to a GONZALEZ'S house where there were already three illegal aliens. A day later, ROSALES arrived and took him to a different house, and then to a trailer. According to Espinoza, ROSALES also delivered food to the people staying at the trailer while he was there. Espinoza identified ROSALES as the man who fed and transported the illegal aliens. He also identified GONZALEZ as the woman who was in charge of the house with three other illegal aliens.

3- Victor Noyola-Cisneros stated he illegally crossed the Rio Grande River. He was charged a total of \$4,000 (USD) to be smuggled into the United States. After crossing the river, he was picked up and taken to a house where he stayed for three days. He was then taken to a Burger King and transferred over to the custody of a woman (GONZALEZ). GONZALEZ then transported Noyola to a trailer and told Lopez to stay in the trailer and wait for someone else to pick him up. Border Patrol then arrived and apprehended himself and six others, to include three Chinese. Lopez identified GONZALEZ as woman who picked him up at Burger King and transported him to a trailer.